

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LISA A. WILLIAMS,

Plaintiff

v.

**LVN CORPORATION and
DOVENMUEHLE MORTGAGE, INC.,**

Defendants.

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No. 4:12-cv-00252

DEFENDANTS' MOTION TO EXPUNGE NOTICE OF LIS PENDENS

TO THE HON. LYNN HUGHES, JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS:

NOW COME Defendants LVN CORPORATION and DOVENMUEHLE MORTGAGE, INC. and
file this Motion to Expunge Notice of Lis Pendens:

THE NOTICE OF LIS PENDENS

1. Plaintiff Lisa A. Williams filed a Notice of Lis Pendens ("Notice") in the Official
Records of Real Property of Brazoria County, Texas in connection with Cause No. DC-79621-
CV that was subsequently removed and then consolidated with the action before this court. The
Notice is recorded as Document No. 2014051760 in the Official Records of Real Property of
Brazoria County, Texas and affects the property known as:

LOT 17, BLOCK 3, AUTUMN LAKE SECTION ONE, A SUBDIVISION OF
79,6121 ACRES LOCATED IN THE H.T. & BRR CO SURVEY, ABSTRACT
304, PEARLAND, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 377-382,
PLAT RECORDS, BRAZORIA COUNTY, TEXAS

A true and correct copy of the Notice is attached to this Motion as Exhibit "A" and
incorporated by reference.

CAUSE FOR EXPUNGMENT

2. Texas law permits a party to an action in connection with which a notice of lis pendens has been filed to apply to the court to expunge the notice. Tex. Prop. Code § 12.0071(a)(1). The court shall order the notice of lis pendens expunged if the court determines that the pleading on which the notice is based does not contain a real property claim or if the claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim. Tex. Prop. Code § 12.0071(c)(1) and (c)(2).

3. Concurrently with this motion, Defendants have filed a Motion to Dismiss for Failure to State a Claim pursuant to Fed. R. Civ. Pro 12(b)(6). For the reasons set forth in that motion, Plaintiff Lisa A. Williams has failed to state a real property claim and cannot establish by a preponderance of the evidence the probable validity of her real property claim.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants move that the Notice of Lis Pendens filed in reference to the real property described above and recorded in the official records of real property of Brazoria County, Texas be expunged and for such further relief at law and in equity to which Defendants may be entitled.

Respectfully Submitted,

GREGG & VALBY, P.C.

by: s/ John H. Miller, III
Thomas G. Overbeck
State Bar No. 15353450
S.D. Tex. No. 5531
John H. "Jack" Miller, III
State Bar No. 24083503
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Attorneys for Defendants,
LNV CORPORATION AND
DOVENMUEHLE MORTGAGE, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served in accordance with the Federal Rules of Civil Procedure on this **12th** day of February, 2015 by notice through the ECF system and/or deposit into the care and custody of the United States Postal Service in an envelope addressed to:

Lisa A. Williams
10009 Forest Spring Lane
Pearland, Texas 77584

s/ John H. "Jack" Miller, III
John H. "Jack" Miller, III